

Appl. No. 09/314,566  
Amdt. Dated 04/13/2005  
Reply to Office Action of 01/13/2005

**BEST AVAILABLE COPY**

**Amendments to the Specification:**

Please replace the paragraph that begins on page 11, line 5, with the following paragraph:

The policing algorithm shown in FIG. 4A uses user programmable parameters to determine if the traffic rate being received has exceeded the rate of the traffic contract. In certain situations it is desirable to re-classify packets as determined from their traffic utilizations. In these cases the ISC/DP values may be modified during policing operations. At step 401, a lookup key is built using the ISC, DP and watermark values. At 403, a lookup is performed. If at step 405, a threshold is exceeded, at step 407 the number of octet/packet clip drops is counted, and the packet is dropped at step 409. Otherwise, at step 411 the packet is forwarded to the packet destination. The corresponding program data is shown in FIG. 4B.

Please replace the paragraph that begins on page 12, line 8, with the following paragraph:

FIG. 5 shows an example flow diagram of a method for discarding data packets. At step 501, a data packet is classified according to a TOS indicator. At step 503, the data packet is modified with an ISC indicator according to the TOS indicator. Such classification is accomplished by analyzing a field of the data packet to determine a packet characteristic, and assigning the TOS indicator based upon the packet characteristic. At step 505, the ISC is compared to a CIR. If at step 507 the ISC exceeds the CIR, the data packet is dropped at step 509.